

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

GARY SOUJA, Individually and as
Special Administrator for the Estate
of OSWALD F. SUOJA, Deceased,

Plaintiff,

v.

Case No. 3:99-cv-00475-slc

OWENS-ILLINOIS, INC.,

Defendant.

**PLAINTIFF'S AND OWENS-ILLINOIS, INC.'S
DESIGNATIONS OF PRIOR TESTIMONY**

Plaintiff and Owens-Illinois, Inc. submit the following designations of prior testimony offered at trial pursuant to the Court's direction during the trial proceedings on December 2, 2015.

PLAINTIFF'S PRIOR TESTIMONY OFFERED AT TRIAL

George Schlub

Deposition of George Schlub taken January 27, 2012

Suoja v. Owens Illinois, Inc. et al PA ED Case No. 09-cv-60256

From	To
6:16	33:20
34:21	35:4
35:22	36:5

From	To
36:19	37:2
41:20	43:8
44:3	44:9

Owens-Illinois, Inc.'s Counter-Designations

Begin	End
33:21	34:10
34:18	34:20
36:6	36:18
37:3	38:4
38:15	38:18
40:20	41:19
43:9	43:24

Lawrence Zimmer

Deposition of Lawrence Zimmer taken February 2, 2012, and February 3, 2012

Suoja v. Owens Illinois, Inc. et al PA ED Case No. 09-cv-60256

From	To
10:14	14:7
21:23	27:12
54:4	54:17
57:21	59:3
81:13	81:25

Owens-Illinois, Inc.’s Contingent Designations

Begin	End
40:1	40:3
57:5	57:20
59:4	59:11
82:1 (“These two ...”)	82:6

Harold Haase

Deposition of Harold Haase taken February 11, 1999

Boede v. Wisconsin Electric Power Company et al., Milwaukee County Case No. 98-cv-6561

From	To
10:11	11:3
20:24	21:25
22:7	23:6
60:23	61:6
61:12	62:7
62:22	63:4
64:11	65:2

Owens-Illinois, Inc.’s Counter-Designations

Begin	End
10:8	10:10
11:4	11:6
18:14	19:23
20:10	20:20
22:1	22:6

23:7	24:18
41:7	41:15
43:5	43:14
44:1	44:11
48:7 (“I’m asking...”)	48:14
62:13	62:21
63:17	63:23
64:3	64:7
78:17	79:3
97:9	97:17
98:1	98:1
98:6	98:23
99:1 (“Do you...”)	99:7
100:18	101:19

Daniel Braun

Deposition of Dr. Daniel Carl Braun taken May 5, 1982

James S. Price v. Johns-Manville Sales Corp., et al. U.S. District Court, Western District of North Carolina Case No. CC81-0552-M, and other cases

From	To
20:9	22:8
22:23	22:25
48:5	50:5
50:20	51:5

Owens-Illinois, Inc.’s Counter-Designations

Begin	End
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50:6	50:19
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Elmer Borchardt – contingent designations

Deposition of Elmer Borchardt taken July 2nd, 2008

Lemberger v. American Standard, Inc., et al., Milwaukee County Circuit Court 05-cv-010416

From	To
42:25	43:22

Richard Grimmie

Deposition taken on September 20, 1991 and October 28, 1991

Freeman, et al., v. AC and S, Inc., et al. Superior Court of New Jersey, Case No. L 7759 90

From	To
9:07	9:08
12:15	13:06
13:11	13:22
14:01	16:19
16:24	20:02
20:06	20:14
21:17	22:04
22:11 (“Is it...”)	22:17
23:16 (“You knew...”)	23:18
23:22	23:24

From	To
27:20 (“When the Kaylo...”)	28:01
29:03	29:12
29:22	30:08
30:14	30:20
31:21	31:25
43:22	43:23
44:03	44:09
44:12	44:14
44:17	44:17
47:14	47:17
48:01	48:05
48:07	48:08
59:10	60:21
65:08	66:03
66:06	66:06
80:07	80:09
80:13	81:09
81:11	81:12
81:21	81:22
82:7 (“Were you...”)	82:12
82:25	83:03

From	To
83:06	83:06
129:21	129:24
130:07	131:09
131:11	131:15
139:14	140:06
140:09	140:14
141:09	141:18
210:4	210:8
211:10	212:6
360:04	360:15
361:17	362:09
368:16	368:20
369:08	369:11
369:15	369:16
370:14	370:22

Owens-Illinois, Inc. counter-designates the trial testimony of Richard Grimmie, November 26, 1996 (below).

Willis Hazard

Deposition taken on 2/11/1981

In re: Massachusetts Asbestos Cases United States District Court of Massachusetts

From	To
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From	To
14:17	15:11
16:18	17:10
17:22	18:5
19:4	19:25
21:3	22:12
22:20	23:8
24:13	24:16
29:4	29:8
30:15	31:13
32:6	33:9
36:1	36:15
36:22	37:10
39:3	39:9
41:12	41:19
43:18	43:22
45:14	45:18
45:22	46:12
49:18	50:13
50:16	51:4
51:6	51:21
59:11	59:17
65:4	66:10
93:1	93:20

From	To
138:2	138:20
139:16	140:3
143:19	144:11
147:16	150:9

Owens-Illinois, Inc.'s Counter-Designations

Begin	End
15:12	16:17
17:11	17:16
18:17	19:3
29:4	29:7
32:3	32:5
33:10	33:18
38:21	39:2
42:8	42:19
45:19	45:21
59:18	60:18
71:8	71:15
73:2	73:22
90:13	90:16
100:6	105:4
106:15	108:4
110:3	111:16
116:11	117:6
118:22	119:16
120:15	121:18
124:9	125:15
126:4	126:14

Michael Dowling

Plaintiff's Contingent Designations

Trial testimony of Michael Dowling taken October 27, 1998

Tellefsen v. Sprinkmann Sons Corporation, Milwaukee County Circuit Court, Wisconsin case no. 96-cv-9914

From	To
2:19	4:7
5:13	7:3
7:18	8:20
12:23	13:10
15:4	15:14

Owens-Illinois, Inc.'s Conditional Counter-Designations

Begin	End
4:24	5:6

Donald Popalisky

Contingent designation

Deposition testimony of Donald Popalisky taken June 13, 1980

From	To
3:20	3:21
4:03	4:08
4:13	4:20
7:07	7:14

From	To
7:19	7:21
8:10	9:08

Owens-Illinois will submit counter-designations within 48 hours.

Donald Popalisky

Contingent designation

Deposition testimony of Donald Popalisky taken March 17, 1987

From	To
20:02	20:11
63:11	63:17

Owens-Illinois, Inc.'s Conditional Counter-Designations

Begin	End
18:23	20:1
20:12	21:19
26:17	26:25

OWENS-ILLINOIS, INC.'S PRIOR TESTIMONY OFFERED AT TRIAL

Trial Testimony of Richard Grimmie, November 26, 1996

Owens-Illinois, Inc.'s Designations

Begin	End
23:24	44:2
45:6	48:19
49:6	54:7
54:13	56:9
57:11	60:2
60:10	75:18
126:18	127:19
164:1	164:10

Plaintiff's Counter-Designations

Begin	End
121:21	122:18
158:1	159:18
172:22	173:4

Deposition of Frank Hofstetter, January 22, 1991

Owens-Illinois, Inc.'s Designations

Begin	End
6:13	6:17
6:22	6:24
7:25	11:17
11:24	12:20
27:17	28:21

Deposition of Elmer Borchardt, July 14, 1980**Owens-Illinois, Inc.'s Designations**

Begin	End
7:14	8:21
19:16	20:5
20:20	21:2
26:3	26:23
27:10	27:12
29:11	30:2
31:4	31:8
31:16	31:20
31:24 (“...did your...”)	33:24
34:23	34:25
38:1	38:3
39:8	39:14
40:1	40:4
40:18	40:21
41:1	41:6
41:17	41:21
42:10	42:20
42:23	42:23
42:25	44:19
45:9	45:13
45:17	46:4
46:10	46:13
49:20	50:14
51:1	51:7
52:8	52:16
53:2	53:7

55:2	57:20
58:2	59:1

Plaintiff's Contingent Designations

Begin	End
49:3	49:19

Deposition of Elmer Borchardt, July 16, 1996**Owens-Illinois, Inc.'s Designations**

Begin	End
4:7	4:8
5:1	5:4
5:9	5:13
6:15	6:16
8:7	8:23
9:11	10:16
28:4	28:18
31:8	31:15
32:12	32:13
34:4	34:6
38:3	38:6
38:12	39:14
43:12	45:14
56:6	56:21
56:25	57:22
58:7 ("Have I...")	59:9
60:13	61:4
63:1	63:13
63:17	63:23
65:20 ("You indicated...")	65:24

67:16	68:14
75:3	75:9

Plaintiff's Contingent Designations

Begin	End
78:4	78:20

Deposition of Elmer Borchardt, May 12, 2003

Owens-Illinois, Inc.'s Designations

Begin	End
4:10	4:19
5:22	6:9
25:1	25:17
35:14	36:18

Plaintiff's Contingent Designations

Begin	End
9:23	10:25
15:22	18:25
19:17	19:21

Deposition of John Locher, October 2, 1980

Owens-Illinois, Inc.'s Designations

Begin	End
8:10	8:11
8:14	8:16
9:3	11:1
11:7	11:13
12:2	13:10
14:19	15:5
15:13	15:15

16:6	16:25
17:8	18:11
19:22	22:17
22:21:	27:14
28:14	29:1
29:6	31:3
31:16	32:19
33:2	33:13
34:6	34:15
34:22	34:24
35:13	36:10 ("Yup.")
36:18	37:14
38:7	39:16
40:4	40:8 ("... amount really.")
41:3	41:21
42:4 ("I want...")	43:7
43:25	44:16
45:1	45:17
54:15	54:17 ("...in particu- lar.")
66:14	66:23
68:5	68:7
68:11	68:15
80:16	81:13 ("...did anything.")

Plaintiff's Counter-Designations

From	To
37:15	38:1
40:9	40:14
53:13	53:15
60:25	61:11
81:14	83:6
84:8	84:11
94:25	95:9

Deposition of Ralph Van Beck, August 24, 1994**Owens-Illinois, Inc.'s Designations**

Begin	End
1:15	1:15
3:7	3:9
5:6	6:4
6:18	7:1
12:12	13:9
13:13	13:23
14:6	14:9
15:8	15:11
15:15	15:21
15:25	16:15
18:14	18:17
27:13	27:16
30:1	30:18
45:20	48:11
49:20	49:24

53:15	54:2
59:7	59:22
61:4	61:19
62:20 (“What I’m...”)	62:24
63:1	63:5
64:2	64:10
66:11	66:17
66:20	66:25
67:24 (“...the pipe...”)	68:4
68:7	68:12
69:11	69:13
69:18	69:22
70:15	70:15
71:2	71:2
71:12	71:24
73:2	73:4
73:14	74:7
78:4	78:16
86:15	86:18
89:11	89:25

Deposition of Ralph Van Beck, June 26, 2012

Owens-Illinois, Inc.’s Designations

Begin	End
7:16	7:18
8:13	8:14
8:23	10:18
11:20	12:4
70:19	71:3
104:4	104:11

106:12	107:12
107:14	107:25
108:2	109:8
109:15	110:4

Deposition of William L. Lea, October 16, 1985

Owens-Illinois, Inc.'s Designations

Begin	End
5:12	5:14
6:25	7:14
7:17	9:15
9:19	24:6
24:14	24:23
28:19	29:25
30:3	35:7
35:14	42:15
43:11	52:11
52:21	57:1
91:17	93:19
93:25	94:16

Plaintiff's Contingent Designations

Begin	End
25:3	26:19
58:14	60:9
61:1	61:23
89:3	90:19
91:6	91:9
96:25	98:24

Deposition of Dohrman H. Byers, October 21, 1985

Owens-Illinois, Inc.'s Designations

Begin	End
3:6	3:8
4:12	5:2
5:5	13:18
13:23	30:10
30:14	30:19
30:22	30:22

Plaintiff's Contingent Designations

Begin	End
36:8	36:13
37:11	38:8
39:1	40:2
45:2	47:6

Deposition of William Z. Fluck, October 15, 1985

Owens-Illinois, Inc.'s Designations

Begin	End
2:7	2:10
8:3	10:22
10:28	11:18
11:26	13:27
33:5	35:12
64:27	71:25
72:8	74:17
74:24	75:17
75:23	76:20

81:20	81:26
85:13	86:7
86:24	87:13
92:21	92:24
92:28	93:3
95:20	95:25
96:13	96:28
163:3	163:13
163:19	165:22
165:24	166:1

Plaintiff's Contingent Designations

Begin	End
23:3	24:16
29:15	29:20
40:26	41:8
44:23	45:3
99:5	101:22
155:16	157:3
158:17	159:18

Respectfully submitted,

/s/ Robert G. McCoy
(original signed and submitted in Court)

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CERTIFICATE OF SERVICE

I certify that on December 2, 2015, these papers were filed with the Clerk of the Court for the United States District Court for the Western District of Wisconsin using the CM/ECF system, which will send notification of such filing upon all parties who have appeared.

/s/ Brian O. Watson
